IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

In re: AMERICAN CLASSIC VOYAGES CO., et al., Debtors.	 District Court Civil Action No. 04-01415 (JJF) Chapter 11 Bankruptcy Court Case No. 01-10954 (LHK) (Jointly Administered)
AMERICAN CLASSIC VOYAGES CO., et al., DEBTORS, by and through PAUL GUNTHER, PLAN ADMINISTRATOR, Plaintiff/Appellee,)))) Adv. Pro. No. 03-56886 (PBL))
v. WESTAFF, Defendant/Appellant.	Related C.A. Docket Nos. 7, 8))

APPELLANT'S REPLY TO PLAINTIFF'S OPPOSITION TO APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S OPENING BRIEF

Westaff (USA), Inc., the Appellant herein, respectfully submits this *Reply* to the Appellee's *Opposition* to the Appellant's *Motion for Extension of Time to File Appellant's Brief* (the "Motion to Extend") in the above-noted appeal.

BRIEF REPLY

1. The matter at hand is simple and was set forth clearly in the *Motion to* Extend: Appellant's counsel recently (a) changed law firms and (b) had major surgery

714954_1 1

requiring an extended hospitalization and recovery period. Accordingly, Appellant requested a short extension of the briefing schedule set forth in this appeal.

- 2. As required by local rules, Appellant requested that Appellee consent to the relief sought in the *Motion to Extend*, however Appellant refused.
- 3. Reviewing the *Opposition*, the Court will strain mightily to find any prejudice whatsoever that might befall Appellee should the *Motion to Extend* be granted. No such prejudice is alleged or shown.
- 4. The balance of Appellee's *Opposition* consists largely of mischaracterizations of facts and procedural history entirely irrelevant to the relief requested in the Motion to Extend, and of course personal attacks upon Appellant's counsel. Appellant shall not respond to same in detail (unless requested by the Court) as doing so appears to be a complete waste of time for the parties and this busy Court.
- 5. Appellant's request is simple and common and concise. Appellee does not even allege that it would be prejudiced thereby, let alone specify how. Accordingly, the *Motion to Extend* should be granted.

714954_1 2

WHEREFORE, the Appellant respectfully requests entry of an order granting it an extension until **June 25, 2005** to file and serve its opening brief.

Respectfully submitted,

HARVEY, PENNINGTON LTD.

Dated: June 7, 2005

By: /s/ James E. Huggett

James E. Huggett, Esquire (# 3956)

"J" Jackson Shrum, Esq.

John Hartley, Esq.

913 N. Market Street, 7th Floor

Wilmington, Delaware 19801

(302) 351-1125 (telephone)

(302) 428-0734 (fax)

jhuggett@harvpenn.com

Counsel to Westaff (USA), Inc. / Appellant

714954_1 3